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JUL 17 2000

BOARD OF PHARMACY

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	
HARRY RICHMAN, R.P.	:	DECISION AND FINAL
LICENSE NO. 28RI 008973	:	ORDER
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Pharmacy (hereinafter the "Board") on the complaint by the Attorney General (hereinafter "Complainant") against respondent Harry Richman (hereinafter "Respondent") filed on February 9, 1999. In that five count Complaint the Attorney General charged that on or about January 22, 1998, an Enforcement Bureau pharmacy inspection of the Singer Andreini Pharmacy, consisting of a review of the active drug stock, a prescription dispensing survey and a Controlled Dangerous Substance (hereinafter "CDS") Accountability Audit, revealed the following violations: 1) outdated, misbranded, and improperly stored pharmaceuticals and pharmaceuticals intended only for hospital or institutional use maintained among the active

NOTICE OF REPORTING PRACTICES
OF THE NEW JERSEY STATE BOARD OF PHARMACY
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Pharmacy are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a pharmacist:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the Federation of Boards of Pharmacy of the United States, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board may disseminate to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.

drug stock inventory in violation of N.J.A.C. 13:39-7.13 and 3.18(e)(10); 2) failure to produce at the time of the inspection the required Biennial CDS Inventory and the subsequent production, one month later, of an inventory report revealing numerous inconsistencies with respect to respondent's physical drug inventories and the inventories recorded on the Biennial Inventory, all in violation of N.J.A.C. 8:65-5.4(a), 5.5(a), 5.7 and 5.14; 3) violations of the Board's regulations and those of the Office of Drug Control binding upon respondent in his capacity as co-owner and Pharmacist-In-Charge of the Singer-Andreini Pharmacy; 4) failure to make agreed upon payments to the Board based upon a 1987 Uniform Penalty Letter, in that \$3925 remains due and owing to date.

On April 26, 1999, Respondent filed an answer to the complaint admitting to three general allegations in the Complaint, to wit; 1) that by Order dated January 20 1998, the Acting Deputy Administrator of the Drug Enforcement Administration (hereinafter "DEA") revoked the DEA Certificate of Registration for the Singer-Andreini Pharmacy, 2) that on July 23, 1998, the DEA entered into a Memorandum of Agreement with H. Singer's Pharmacy Ltd., (hereinafter "H. Singer") the entity replacing the Singer-Andreini Pharmacy, granting a DEA Registration to the new entity upon the condition that Harry Richman have no involvement with or access to H. Singer's except as that of landlord and property owner nor access to areas where controlled substances were stored and

secured, 3) that on September 1997 by way of a Stipulation of Settlement and Dismissal, respondent and Singer-Andreini Pharmacy agreed to pay \$25000 in resolution of civil proceedings initiated by the United States Attorney for the District of New Jersey alleging numerous violations of federal statutes governing dispensing and record keeping requirements for CDS. The remainder of the charges contained within Counts I through V in the Complaint were neither admitted nor denied and complainant was left to its proofs.

The matter was heard before the Board of Pharmacy in public session at its regularly scheduled meetings on the following dates: October 27, 1999, January 12, 2000, April 12, 2000, and May 31, 2000.

The complainant was represented by Deputy Attorney General Michael Rubin. The respondent was represented by Robert Greenberg, Esq.

The State presented the following documents which were admitted into evidence:

S-1 Enforcement Bureau Investigation Report, authored by Robert Lake, R.P., of the January 22, 1998 inspection of Singer's Andreini Pharmacy.

S-2 Enforcement Bureau Investigation Report, authored by Charles Harris, of the January 22, 1998 inspection of Singer's Andreini Pharmacy.

*S-4 January 20, 1998 Order of the DEA, Department of Justice, Revoking the DEA registration of Singer's-Andreini Pharmacy effective March 2, 1998.

S-5 Stipulation of Settlement and Dismissal in the matter U.S. v. Singer's-Andreini Pharmacy and Harry Richman, filed September 4, 1997.

S-6 Memorandum of Agreement in the matter of H. Singer's Pharmacy, Ltd. between the DEA and H. Singer's Pharmacy Ltd. signed on July 23, 1998.

S-7 Uniform Penalty Letter (hereinafter "UPL") dated March 6, 1987 charging Harry Richman as R.P. in Charge & Owner of Singer's-Andreini Pharmacy for violations during the period 7/11/85 - 7/15/85 and record of payment of the civil penalty set forth in the UPL. By agreement of the parties, the following were also made a part of the record; an affidavit of respondent dated April 28, 2000, DAG Rubin's response to the affidavit dated May 23, 2000, and a reply response by respondent dated May 19, 2000. Further, the parties agreed to the inclusion of the transcript of the Investigative Inquiry held by the Board on April 8, 1998.

The State called as its first witness, Robert Lake, R.P., an investigator for the Enforcement Bureau in the Division of Consumer

*S-3 - DEA Investigation Report was marked for identification but was not admitted into evidence.

Affairs. Mr. Lake testified as to the following findings made after inspecting the Singer's-Andreini Pharmacy on January 22, 1998 in the presence of respondent in his capacity as owner and RP in Charge:

1) 141 medications were present in the active drug stock inventory that were either outdated, misbranded, or improperly stored;

2) the store permit, the DEA registration, and the CDS permit had all expired;

3) respondent was not in possession of a valid renewal certificate indicating that he was currently licensed;

4) no safety closure caps were present in the prescription filling area;

5) the pharmacy CDS Biennial Inventory Report could not be located;

6) respondent had dispensed medication that had not in fact been authorized on a written prescription;

7) in only 60% of those prescriptions reviewed, the initials of the dispensing pharmacist appeared on the patient profile or on the prescription itself;

8) in only 40% of those prescription labels reviewed was the correct name of the prescriber reflected on the label;

9) in only 60% of the prescriptions reviewed required substitutions pursuant to the formulary were made;

- 10) entries in the exempt narcotic book were incomplete;
- 11) one drug utilization placard was not posted;
- 12) the pharmacy library was incomplete;
- 13) the required metric weights were not complete;
- 14) Dexedrine 5 mg. was dispensed in excess of a 30 day supply on four occasions and on two occasions was dispensed after thirty days from the date of issuance of the prescription;
- 15) no mechanism existed to extend the offer to counsel when the patient or caregiver was not present in the pharmacy to retrieve the medication.

Mr. Lake stated that he reviewed all of the above listed findings with respondent and offered him the opportunity to make any written comments on Mr. Lake's handwritten report. Thereafter he had respondent sign all pages of the report acknowledging the findings.

During questioning by Counsel for respondent and by the Board members, Mr. Lake stated that his investigation activity was intended to be educational, but when a pharmacy was not in compliance with the current laws governing the practice of pharmacy, it was his responsibility to cite the pharmacy for violations of the laws and regulations.

Charles Harris, the State's second witness, served as an investigator for the Enforcement Bureau, Division of Consumer Affairs. The witness testified that he had been with the Division

in this capacity for 6 years and was responsible for the performance of Controlled Dangerous Substance Accountability Audits. After selecting specific drugs, he would calculate whether the numbers of drugs in those categories currently on hand in the pharmacy compared favorably with the number of drugs that had been listed on hand at the beginning date of the audit period, and those amounts ordered and dispensed in the specific period. Mr. Harris conducted the physical count of those CDS to be audited in stock at the pharmacy on January 22, 1998. Respondent failed to produce the Biennial Inventory until February 25, 1998. On March 17, 1998, respondent provided a notarized statement that bottles of Ativan and Lorazepam were in the inventory on June 15, 1996, when the most recent biennial had been taken despite the fact that they were not listed on the inventory itself. Respondent could not explain the error. In addition, Mr. Harris stated that the inventory produced by respondent excluded Xanax .5mg and Fiorinal with Codeine #3, though they were found in the drug stock.

Mr. Harris testified that the results of his audit of the records were as follows:

- 1) Percocet; respondent dispensed 418 dosage units more than had been ordered and contained in the starting and actual inventories.

- 2) Roxicet; there was a shortage of 2110 dosage units.

3) Methylphenidate 5 mg.; there was a shortage of 1626 dosage units.

4) Dexedrine 5 mg.; there was a shortage of 1887 dosage units.

5) Xanax .5 mg.; respondent purchased 13,100, dispensed 2818 tablets, 193 tablets were in inventory, no starting inventory was available.

6) Fiorial with Codeine #3,; 400 tablets were purchased, 9629 were dispensed, again no starting inventory was available.

7) Dilaudid 8 mg.; 40 tablets were listed in the starting inventory, none were purchased, none were on hand and no dispensing records were produced.

8) Ativan 1 mg.; 8000 tablets were purchased, 8929 were dispensed, 98 were in inventory but no starting inventory was recorded.

9) Klonopin .5 mg.; there was a shortage of 1901 dosage units.

10) Darvocet N-100; there was a shortage of 569 dosage units.

11) Propoxyphene; there was a shortage of 2484 dosage units.

All records of starting on-hand-inventories, orders, and dispensings were produced by respondent in his capacity as R.P. in Charge and relied upon by Mr. Harris for the audit. Respondent, in his notarized statement, maintained that he had inventoried all medications on hand in 1996 but suggested that one sheet on which they had been recorded had been misplaced. Mr. Harris did state, however, that even without additional starting inventory the audit

demonstrated an approximate 10,000 dosage unit shortage in Xanax .5 mg.

Respondent called as his first witness, Calvin J. Spann. Mr Spann testified that through the years he had occasion to call on Mr. Richman's store in his capacity as a medical sales representative for Hoffman-LaRoche. After a period of time and to the present date he remained a customer of the store and always found Mr. Richman to be knowledgeable in pharmaceuticals and never witnessed respondent to refuse advice or counselling to his patients. Mr. Spann retired in 1985, however, and thereafter had no knowledge of respondent in any capacity other than as a customer.

Jacqueline Onoz was called as respondent's next witness. Ms. Onoz worked as a cashier for respondent from June of 1987 for 2 years and until May of 1994 as a pharmacy technician. The witness stated that respondent performed as the pharmacist in the store while the Andreinis, the co-owners, handled all the paperwork. She found respondent to be competent and attributed her competency today to his training.

Renee Reicen testified in her capacity as an employee of respondent. She stated that at the time she began work in 1989 Mrs. Andreini had lost her husband and only came in to the store once or twice a week. Respondent handled all the customers while Mrs. Andreini and her daughter handled all the paperwork. However, the daily ordering of drugs was done by respondent.

Respondent's final witness, Manuel Dominguez, testified that he began working for respondent in 1979 as a delivery person. Later in 1986 he began working as a pharmacy technician under the supervision of respondent. Mr. Dominguez testified as to his observation of respondent's good pharmacy practices. Further, he stated that Mr. Richman did have a proper set of weights at the date of inspection, and that he counselled patients in the store. Mr. Dominguez confirmed that until 1995 the Andreinis took responsibility for all paperwork while respondent only handled patients and that in 1985, after Mr. Andreini's death, respondent became the sole pharmacist on the premises. Finally, Mr. Dominguez testified that in all the years he had been working for respondent he personally had no responsibility for checking the actual drug stock inventory and, further, has no knowledge of what specific weights are required.

Respondent Harry Richman offered the following testimony in response to Counsels' and the Board members questions. Originally, Mr. Andreini and Mr. Richman worked together as pharmacists. At some point in time Mr. Andreini became ill and assumed all recordkeeping tasks together with his wife while Mr. Richman assumed all dispensing activity and interactions with the patients. All records for the pharmacy were kept at the Andreini's home including prescriptions. Further, all mail to the pharmacy was directed to their residence. Eventually a computer was installed

in the pharmacy which required the name of the pharmacist to be included on the label and at some later time all prescriptions were initialed by the pharmacist.

Presently respondent has accessed the H. Singer's Pharmacy to complete PAAD applications for patients and to take blood pressure, despite the terms of the above Department of Justice agreement prohibiting him from being on the premises other than as the landlord or property owner.

In regard to the Biennial Inventory, the list had slipped behind a filing cabinet and was not found until February 25, 1998. Respondent testified that one page was missing. Respondent had no further explanations for the discrepancies reflected in Investigator Harris' accountability audit.

Respondent stated that a second required DURC placard was in fact posted over the refrigerator, Mrs. Andreini was responsible for obtaining the store permit not Mr. Richman, and that respondent had sent in his renewal six months prior to the inspection but the license had not been sent to him by the State. All safety cap closures were stored in the basement.

Mrs. Andreini was delegated the following duties by Mr. Richman in his capacity as RP in Charge: ordering of drug stock inventory, maintaining drug stock inventory, and ordering of CDS. Mr. Andreini was responsible for the payment of the 1986 penalty letter and thereafter his children were responsible upon Mr.

Andreini's death. Mr. Richman testified that he was told by Investigator Lake to write down any comments he had after reviewing each page of the inspection report. However, he later stated that he had no opportunity to review the results because Mr. Lake told him to just sign the report as Mr. Lake was pressed for time. Respondent stated that Mr. Harris was also in a hurry and told him just to sign the report.

Mr. Richman testified that he would like to continue working and would particularly like to return to work at H. Singer's despite the terms of the Department of Justice agreement with H. Singer's owners, Frank Birkholtz and Manuel Dominguez. Mr. Richman admitted that he did compile the most recent Biennial Inventory because he had heard the inspectors were around but that previously it had been done by the Andreinis.

Respondent had been unaware of the law that prohibited the dispensing of Schedule II CDS in excess of 30 days or 120 dosage units, whichever is less, until the pharmacy utilized a computer program which alerted him when not to dispense. Mr. Richman stated that he had called the physician several times to tell him it was against the law to dispense the excessive amounts of Dexidrine, but the physician was very insistent so he dispensed the amounts even though he was aware that it was against the law.

FINDINGS OF FACT

Based on the Board's review of the testimony and the evidence, it makes the following Findings of Fact.

1. Respondent, Harry Richman, R.P., previously a co-owner and Pharmacist-In-Charge under Andreini Pharmacy at 5532 Bergenline Avenue, West New York, New Jersey, 07093, is currently licensed to engage in the practice of pharmacy in the State of New Jersey, holding license number 28RI 008973, and has been so-licensed at all times relevant hereto.

2. Respondent has been the subject of two previous Uniform Penalty Letters (UPLs) issued by the Board. The first UPL was dated March 6, 1987, and the second was dated May 23, 1988. Respondent paid the penalty amount set forth in the May 1988 UPL. However, after having entered into a payment installment agreement with respect to the March 1987 UPL, respondent failed to fully pay the penalty amounts contained in that UPL.

3. The DEA moved by Order to Show Cause to revoke the DEA registration for the Singer-Andreini Pharmacy. The matter was heard by Judge Mary Ellen Bittner, a federal Administrative Law Judge who, after holding a hearing on the matter, issued an Opinion recommending that the DEA Registration for the Singer-Andreini Pharmacy be revoked. Then, by Order dated January 20, 1998, the Acting Deputy Administrator of the DEA adopted the October 23, 1997

recommendation of Judge Bittner, and revoked the DEA Certificate of Registration for the Singer-Andreini Pharmacy.

4. On or about July 23, 1998, the Drug Enforcement Administration of the United States Department of Justice entered into a Memorandum of Agreement with H. Singer's Pharmacy Ltd., the entity replacing the Singer-Andreini Pharmacy, whereby H. Singer's Pharmacy Ltd. was granted federal registration as a Retail Pharmacy upon the condition that Harry Richman have no involvement with or access to H. Singer's Pharmacy, Ltd., except as that of landlord and property owner and have no access to areas where controlled substances are stored and secured."

5. On or about November 2, 1995, Faith S. Hochberg, the United States Attorney for the District of New Jersey, initiated civil proceedings against the Singer-Andreini Pharmacy and respondent, individually, alleging numerous violations of federal statutes and regulations governing dispensing and record keeping requirements for controlled substances. The federal civil action was resolved on or about September 1997 by way of a Stipulation of Settlement and Dismissal, which dismissed the United States Attorney's charges against Respondent and the Singer-Andreini Pharmacy, in exchange for the defendants agreeing to pay twenty-five thousand dollars (\$25,000.00).

6. On or about January 22, 1998, Robert E. Lake, R.P., and Robert Rokosz, both Investigators with the Enforcement Bureau of

the Office of Consumer Protection, visited the Singer-Andreini Pharmacy and conducted an active drug stock inventory review and a prescriptions dispensing analysis survey of the pharmacy. At or about the same time, another Enforcement Bureau Investigator, Charles Harris, conducted a CDS Accountability Audit of the Singer-Andreini Pharmacy.

7. The January 22, 1998 inspection revealed that the pharmacy's active drug-stock inventory violated numerous applicable provisions of lawfully-promulgated regulations for the practice of pharmacy, and for the dispensing of pharmaceuticals and controlled dangerous substances (CDS). Specifically, the January 22, 1998 inspection revealed that the Singer-Andreini Pharmacy kept among its active drug stock inventory, (in violation of both N.J.A.C. 13:39-7.13 and N.J.A.C. 13:39-3.18(e)(10)), outdated pharmaceuticals, misbranded pharmaceuticals, improperly stored pharmaceuticals and pharmaceuticals intended only for hospital or institutional use.

8. At the time of the January 22, 1998 inspection, Respondent was unable to locate and produce to the Board's representatives the Biennial Inventory required to be kept at the pharmacy (under N.J.A.C. 8:65-5.7), and required to be available for inspection (under N.J.A.C. 8:65-5.4(a)).

9. After respondent located his Biennial CDS Inventory, a month after it was requested and presented it to the Investigators

from the Enforcement Bureau, the investigation revealed numerous inconsistencies with respect to respondent's physical drug inventories, and the inventories recorded on the Biennial CDS Inventory.

10. Specifically, the Biennial CDS Inventory did not list among the pharmacy's CDS inventory Xanax .5 mg., Fiorinal with Codeine No. 3, and Ativan, 1 mg., even though the Pharmacy maintained these drugs as part of its physical inventory. (The physical presence of these substances in the Singer-Andreini Pharmacy, under circumstances where the substances were not recorded on the Pharmacy's Biennial Inventory, constitutes a violation of N.J.A.C. 8:65-5.5(a), which requires that the Biennial Inventory contain "a complete and accurate record of all controlled substances on hand on the date the inventory is taken)."

11. At the time of the January 22, 1998 inspection, it was discovered by investigators from the Enforcement Bureau of the Office of Consumer Protection that the physical CDS and pharmaceutical inventories for the Singer-Andreini Pharmacy did not accurately reflect the pharmacy's ordering and dispensing records, resulting in an overage of Percocet, and underages of Roxicet, Methylphenidate 5 mg., Dexedrine 5 mg., Klonopin 5 mg., Darvocet N-100, and Propoxyphene Nap. Acet 100/650.

12. In addition the January 22, 1998 inspection revealed the following violations of the Board's regulations, or of regulations

otherwise binding upon Respondent in his capacity as co-owner and Pharmacist-In-Charge of the then-operating Singer-Andreini Pharmacy:

- a. Respondent's "Pharmacy Permit," (requiring annual renewal under N.J.S.A. 45:14-32 through 34, and display under N.J.A.C. 13:39-4.2), had expired without being renewed;
- b. Respondent's "DEA Registration," (required under 21 C.F.R. §§ 1301.11 and 1301.33(a)), had expired without being renewed;
- c. Respondent's "CDS Registration," (requiring annual renewal under N.J.A.C. 8:65-1.2(c) and conspicuous posting under N.J.A.C. 8:65-1.5(e)), had expired without being renewed;
- d. Respondent's pharmacy was inadequate in that it did not contain the current United States Pharmacopeia Dispensing Information ("USP DI") and supplements, nor "current reference texts encompassing the general practice of pharmacy, drug interactions and drug product composition."

13. With specific regard to the filling of prescriptions, the prescriptions dispensing analysis survey portion of the Enforcement Bureau's January 22, 1998 investigation revealed the following violations:

- a. Respondent failed to dispense the exact medication contained in a prescription, (in violation of N.J.S.A. 45:14-16);
- b. Respondent dispensed quantities of Schedule II controlled dangerous substances in excess of the thirty-day supply/120 dosage unit limitation (set forth in N.J.A.C. 8:65-7.8(e));
- c. Respondent filled prescriptions for Schedule II Controlled dangerous substances more than thirty days after the date the prescription issued; (in violation of N.J.A.C. 8:65-7.5(a));

- d. Respondent failed to place his name or initials on the original prescription or on the label affixed to the container in which the prescription is dispensed or in a book kept for the purpose of recording prescriptions, for prescriptions that he filled and/or supervised, (in violation of N.J.S.A. 45:14-15 and N.J.A.C. 13:39-5.6);
- e. Respondent failed to record the name of the prescribing physician on both the label affixed to the dispensed medication, (in violation of N.J.S.A. 45:14-15), and on the Patient Profile Record System (PPRS); (in violation of N.J.A.C. 13:39-7.14(b)(6));
- f. Respondent failed to record in the record book designated for controlled substances exempt from prescriptions, the address of the purchaser, and on more than one occasion, the name or initials of the dispensing pharmacist, (in violation of N.J.A.C. 8:65-7.19); and
- g. Respondent failed to dispense a formulary alternative for a popular brand name medication under circumstances where such dispensing was warranted, (in violation of N.J.S.A. 24:6E-7, and N.J.A.C. 10:51-1.6(c)) in a prescription covered by Medicaid.

14. Respondent, the subject of a Uniform Penalty Letter (UPL) dated March 6, 1997, agreed to make payments to the Board for civil penalties totaling \$5,175.00. However, Respondent has failed to fully comply with the payment arrangements that he entered into with the Board. Specifically, after agreeing in or about February, 1990, to make monthly installment payments of five hundred dollars (\$500.00) to pay the civil penalties set forth in the March 1987 UPL, Respondent paid only \$1,250.00, leaving \$3,925.00 in civil penalties unpaid.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board makes the following conclusions of law. Respondent's failure to dispense in compliance with the law, his failure to keep accurate records of CDS, his failure to keep all registrations and his license current, and his failure to comply with the fundamental requirement of assuring that the active drug stock inventory is current, stored properly, and is contained in appropriately labeled bottles - all these omissions that go to the very heart of the practice of pharmacy to constitute repeated acts of negligence, malpractice and incompetence, all in violation of N.J.S.A. 45:1-21. Further, respondent has engaged in professional misconduct in his failure to comply with the agreed upon payment of a UPL that has been due and owing since 1987 and to date has remained unpaid, also violative of N.J.S.A. 45:1-21.

DECISION AND ORDER

After reviewing the entire record of this case, it is clear that respondent lacks the necessary knowledge of and respect for the laws governing the practice of pharmacy and, as such, respondent, in his capacity as a licensee, a pharmacist in charge, and as a permit holder, has engaged in conduct far below the standards of acceptable pharmacy practice. Many of the same violations were discovered during each inspection from 1985 through 1998 by both the Board and the DEA. However, there is no evidence of any effort on respondent's part to correct the deficiencies

after each inspection. Despite respondent's testimony that the pharmacist in charge is the ultimate responsible party for assuring that all laws governing the practice of pharmacy are complied with, he asserts that it was, in fact, the responsibility of Ms. Andreini, a non-pharmacist, and indeed even her children in the case of the unpaid UPL, to comply with State and federal requirements. Respondent's record of continuous disregard for the laws and regulations in place, whether it be the result of complacency, lack of knowledge of the law, or sheer refusal to accept responsibility, leaves this Board with no alternative other than to revoke respondent's license to practice pharmacy.

In view of the foregoing, and accordingly,

IT IS ON THIS DAY OF , 2000, ORDERED:

1. The license to practice pharmacy of Harry Richman shall be and hereby revoked.
2. Respondent shall pay a civil penalty of \$10,000, payable immediately upon the service of this Order.
3. Respondent shall pay costs in the matter including investigative costs, costs of expert witness testimony, costs of trial, and attorney fees, all to be reflected in an affidavit of the Executive Director to be served upon respondent within 30 days of the entry of this Order, due and payable immediately upon said service.

4. Respondent shall pay to the Board immediately upon the service of this Order, the remaining amount due and owing from the UPL dated January 22, 1986 plus 5% simple interest accrued from the date of the last payment, July 19, 1990.

NEW JERSEY STATE BOARD OF PHARMACY

By: Pamela Allen, RPL
~~Richard A. Palombo, President~~
Pamela Allen, R.P., TREASURER